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Attorneys for Defendant Merck Sharp & Dohme Corp.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION |
| <i>This Document Relates to:</i> |
| ALL ACTIONS |

MDL NO. 1789
1:06-md-1789 (JFK)

**NOTICE OF MOTION OF DEFENDANT MERCK
SHARP & DOHME CORP.
FOR ENTRY OF A LONE PINE ORDER**

PLEASE TAKE NOTICE that, upon the Notice of Motion of Defendant Merck Sharp & Dohme Corp. (“Merck”), the Declaration of William J. Beausoleil, and the accompanying Memorandum of Law in Support of its Motion for Entry of a Lone Pine Order, Merck will move this Court before the Honorable Judge John F. Keenan, in the United States Courthouse for the Southern District of New York, for entry of a Lone Pine Order.

DATED: New York, New York
October 15, 2012

Respectfully submitted,

HUGHES HUBBARD & REED LLP

By: _____/s/
Theodore V. H. Mayer
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STATEMENT OF TECHNICAL FAILURE

Defendant Merck Sharp & Dohme Corp. (“Merck”) hereby states that on October 15, 2012, Merck was unable to successfully file its NOTICE OF MOTION FOR ENTRY OF A LONE PINE ORDER electronically on the Court’s CM/ECF system in a timely fashion due to a technical failure on the ECF website.

This filing was completed on October 16, 2012.